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26 Years of Mail Opening Recounted

By Norman Kempster

Washington Star Staff Writer

The FBI opened and read mail for 26 years, from 1940 until 1966, in a program originally intended to spot foreign spies but which eventually was used for such extraneous purposes as drafting memos on daily life in China, the Senate Intelligence Committee was told yesterday.

Three present FBI officials and a former one said mail was opened in eight cities — Washington, New York, Miami, Los Angeles, San Francisco, Detroit, Seattle and Boston. Although most of the mail that was opened was either to or from foreign countries, at least one project involved purely domestic letters.

The committee reviewed the FBI's mail opening program in the midst of a new controversy about how much two former attorneys general knew about the illegal mail opening of the FBI and CIA.

TWO INTERNAL FBI memos placed in the committee's record seem to indicate that former Atty. Gen. Nicholas Katzenbach

had been informed of the FBI's operation and may have known of the CIA project as well. The memos refer to steps Katzenbach was taking to prevent a Senate subcommittee from delving too deeply into the handling of mail.

Chairman Frank Church, D-Idaho, said that in earlier secret testimony Katzenbach, who headed the Justice Department in the Johnson administration, denied having been told that mail was being opened. Church said Katzenbach would be called as a witness at a later public hearing.

Earlier in the day former Atty. Gen. John N. Mitchell said he was never told the CIA was opening mail. Mitchell's testimony contradicted former CIA Director Richard Helms who said he had briefed Mitchell on the full extent of the program.

W. Raymond Wannall, assistant FBI director in charge of the Intelligence Division, said J. Edgar Hoover ended the mail program in 1966, at the same time he ordered the bureau to stop using burglaries to obtain evidence.

"MR. HOOVER had a regard for the climate of the times," Wannall said. He explained that public tolerance for FBI measures was declining.

But even after the FBI ended its own program, it continued to receive copies of letters opened by the CIA. The FBI received more than 50,000 letters from the CIA, according to evidence developed by the committee staff.

When the committee's chief counsel, Fritz Schwarz, asked if the CIA's mail interception led to the arrest of a single foreign agent, William Branigan, the chief of the FBI section which previously handled mail projects, responded, "To my knowledge, no."

Wannall and Branigan both testified that the purpose of the mail interception was to locate potential spies. But they agreed that information far removed from counterespionage was developed. One memo, quoting from information developed by opening mail, painted a bleak picture of daily life in China.

Unlike the CIA, which kept careful records on the opening of more than 215,000 letters, the FBI witnesses said the files contained few statistics about mail opening. Previous testimony had shown that 1,111 letters were opened in New York during a seven-year period. But there were no records of how many letters were opened in the other seven cities or the other 19 years.

BRANIGAN ALSO said there is no record as to who authorized the first mail project in 1940. But he said the second project was initially approved by an assistant director but later "specifically approved" by Hoover.

Although the FBI and the CIA ultimately cooperated in opening mail, neither agency was anxious to let the other know it was engaged in the illegal activity.

"These programs were tightly held even within the bureau," said former FBI Inspector Donald E. Moore.

Moore related that the CIA told the FBI of its project in 1953 — five years after it had begun. The FBI

— was even tighter with information, he indicated. The bureau did not inform the agency that it was opening mail until 1961.

MITCHELL MADE his first appearance before a congressional committee since the Watergate-cover-up trial. He is currently appealing his conviction on charges of obstruction of justice and perjury.

Puffing at his familiar pipe, Mitchell insisted that he could not recall Helms telling him that the CIA was opening mail. In testimony this week and in a memo written at the time, Helms has said he told Mitchell about the project and the attorney general did not object.

Mitchell said he remembered the meeting but he believes Helms told him only about "mail cover," a legal activity that involves examining the outside of envelopes.

Asked if he discussed with Helms the legality of the project, Mitchell said, "I do not believe the question of legality would arise during a conversation of mail cover."